

mag 8

1763-

Atty. Dkt. No. 032026-0485

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gianchandani, et al.

Title: METHOD AND APPARATUS
FOR ETCHING AND
DEPOSITION USING MICRO-
PLASMAS

Appl. No.: 09/686,259

Filing Date: 10/11/2000

Examiner: George Goudreau

Art Unit: 1763

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop NON_FEE AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Paul S. Hunter</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>December 18, 2003</u> (Date of Deposit)</p>

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed November 20, 2003, Applicant hereby provisionally elects Group II, Claims 33-57, for examination, with traverse.

The Examiner has required restriction between Claims 1-32 and 58-62 (Group I), drawn to a method for plasma treating a substrate, and Claims 33-57 (Group II), drawn to a plasma treating apparatus. Restriction was required because the Examiner thought that the apparatus as claimed could be used to practice another materially different process than that set forth in Claims 1-32 and 58-62. Applicant respectfully disagrees.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

In the Office Action, the Examiner states:

In this case the apparatus as claimed can be used to practice another and materially different process such as one in which a pressure less than 1 torr is used during the plasma treatment process.

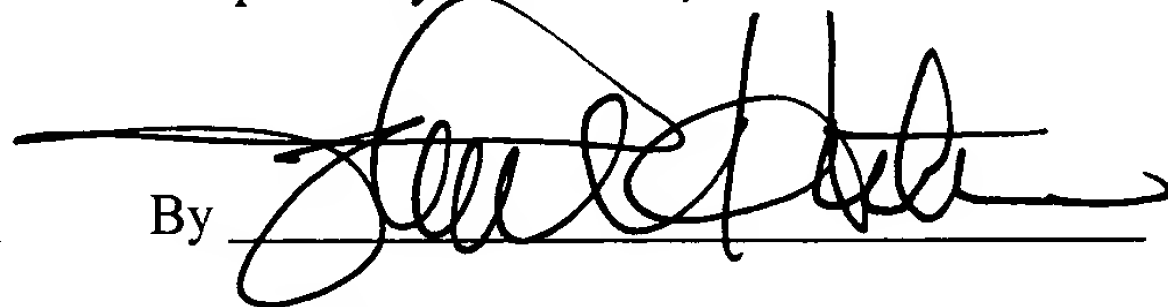
However, claim 23 does not recite a limitation with respect to a pressure more or less than one torr. Indeed, Applicant respectfully submits that the apparatus set forth in claims 33-57 can be used only by the process described in claim 23.

If the Examiner is aware of another way to use the apparatus as claimed, using a process which is materially different from that set forth in the method claims, Applicant respectfully requests the Examiner to substantiate his/her position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-62 , presently pending in this application be examined.

Respectfully submitted,

Date December 18, 2003

By



FOLEY & LARDNER

Customer Number: 23524

Telephone: (608) 258-4207

Facsimile: (608) 258-4258

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787